

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Cheri S. Hodges,

Plaintiff,

vs.

Pinnacle Financial Partners,

Defendant.

**COMPLAINT**

**Case No.: 2:22-cv-1789-BHH**

**E.R.I.S.A. - Non-Jury**

Plaintiff Cheri S. Hodges, by and through her undersigned counsel, complaining of the above-named Defendant Pinnacle Financial Partners, would respectfully show unto this Honorable Court the following:

**JURISDICTION AND VENUE**

1. Plaintiff is a citizen and resident of Dorchester County, South Carolina.
2. Prior to her disability, Plaintiff was a employed at Defendant Pinnacle Financial Partners.
3. Upon information and belief, Defendant Pinnacle Financial Partners created an employee welfare benefits plan for the purpose of providing long term disability (STD) benefits to its employees.
4. At all times material to the allegations contained here, Plaintiff Cheri S. Hodges was a participant in the employers Short Term Disability Plan (hereinafter “the Plan”).
5. Defendant Pinnacle Financial Partners the Plan Sponsor and Plan Administrator of the STD Plan.
6. Defendant Pinnacle Financial Partners, is a fiduciary with respect to the STD Plan.

7. Upon information and belief, Defendant Pinnacle Financial Partners contracted with Life Insurance Company of North America (hereinafter “LINA”) to act as claims administrator for the STD Plan.
8. The STD Plan is governed by the Employee Retirement and Income Security Act of 1974 (hereinafter “ERISA”), 29 U.S.C. § 1001, *et seq.*
9. Pursuant to 29 U.S.C. § 1132(e), this Court has jurisdiction over Plaintiff’s claims.

### **FACTUAL ALLEGATIONS**

10. Prior to her disability, Cheri S. Hodges enrolled in the STD Plan.
11. Since February 8, 2021, Plaintiff has been unable to perform the material and substantial duties of her Own Occupation due to medical issues.
12. After she became disabled, Plaintiff applied for STD benefits.
13. On February 11, 2021, LINA approved Plaintiff’s claim for STD benefits.
14. On May 3, 2021, LINA denied Plaintiff’s STD claim effective April 18, 2021.
15. On December 17, 2021, Plaintiff timely appealed LINA’s STD denial decision.
16. On May 26, 2022, Defendant’s claims administrator LINA denied Plaintiff’s appeal.
17. Plaintiff has exhausted all administrative remedies under the STD Plan.
18. Despite Plaintiff’s continuous total disability since February 8, 2021, Defendant Pinnacle Financial Partners and its claims administrator LINA has wrongfully failed to pay STD benefits to Plaintiff as required by the Plan.

### **CAUSE OF ACTION**

#### **Plaintiff’s Claim for STD, pursuant to 29 U.S.C. §§ 1132(a)(1)(B)**

19. Plaintiff incorporates all prior allegations herein, where not inconsistent, as if fully set

forth herein.

20. Plaintiff has been totally disabled from performing the material duties of her regular occupation or any other occupation for which he is reasonably qualified since February 8, 2021.
21. Plaintiff is entitled to STD benefits under the Plan.
22. Plaintiff has been totally disabled from performing the material duties of any occupation for which she is capable of performing by way of education, training, or experience, and is entitled to STD benefits to the maximum age under the terms of the Plan as described above.
23. Plaintiff seeks STD benefits under the terms of the Plan, to enforce her rights under the terms of the Plans, and to clarify her rights to future benefits under the terms of the Plans, pursuant to 29 U.S.C. §1132(a)(1)(B).
24. Plaintiff respectfully requests that the Court order each Defendant LINA to pay all amounts due and owing for the Plaintiff's STD benefits under the terms of the STD Plan pursuant to 29 U.S.C. § 1132(a)(1)(B).
25. Pursuant to 29 U.S.C. §1132(g), Plaintiff also respectfully requests that the court grant Plaintiff's attorneys fees and costs.

**WHEREFORE**, Plaintiff Cheri S. Hodges prays for judgment directing Defendant Pinnacle Financial Partners to pay Plaintiff's STD benefits pursuant to the Short Term Disability Plan, attorneys fees and costs, and all such further relief as the Court deems just and proper.

[signature on following page]

Respectfully Submitted,

s/John R. Peace

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**Attorney for Plaintiff Cheri S. Hodges**

June 7, 2022